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## UNITED STATES DEPARTMENT OF AGRICULTURE

## FOREST SERVICE

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## STATE FORESTRY LAWS

A parallel classification showing the comparative  
progress of each State in forestry legislation

## WASHINGTON

(Serial 1—Through Reg. Sess., 1915)

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## PURPOSE OF COMPILATION

Information about the forestry laws of the various States, especially about those laws dealing with certain specific problems, is being demanded more and more; and requests for such information, coming from legislators, State administrative officers, forestry associations, forest schools, and other bodies and individuals, have led to the compilation, informally, of such State laws as bear more or less directly on the practice of forestry.

The purpose of the compilation, of which this serial is a part, is to make easy a comparative study of the laws of the different States and to further the development of practical forestry legislation. By the classification of the laws and parts of laws under the headings: "Administration," "Fires," "Public Forests," and "Taxation," the comparison is simplified, and the progress of each State, or lack of it, in these particulars is clearly shown.

The better to accomplish this educational aim, the great mass of timber and tree laws and those finer points of reference proper only to a legal or administrative manual have been omitted.

## PART I.—ADMINISTRATION.

(This part comprises the provisions of law, if any, defining the general administrative duties of the regularly constituted State forestry officials; also certain miscellaneous forestry provisions. For specific provisions, if any, concerning administrative duties of these or other State officers in connection with forest fires, State and municipal forests, and nurseries or other State lands, or forest taxation, see Parts II, III, and IV, respectively.)

SEC. 5276, REM. AND BAL. CODE, 1910.

**State Board of Forest Commissioners:** Created—  
**Personnel—Terms, and oath of office—No compensation—Quarters—Chairman—Quorum—Meetings.**—There is hereby created a board to be known as the state board of forest commissioners, consisting of the state land commissioner whose term of office shall be co-extensive with his term as state land commissioner, and four electors of the state of Washington to be appointed by the governor, whose term of office shall be four years from the date of

appointment: Provided, however, that two of the first appointees under the terms of this act shall hold office for only two years, and thereupon the governor shall appoint the successors of such two-year appointees for the term of four years. Each of the members of said board shall take and subscribe an oath or affirmation before some officer authorized by law to administer the same to faithfully perform the duties of said office. The members of said board shall receive no compensation whatever for the performance of their duties. The secretary of state shall provide suitable quarters for the use of said board and the state fire-warden and forester in the state capitol building. The said board shall meet at the call of the governor as soon as convenient after their appointment at the state capital, and shall organize by the election of a chairman. A majority of the members of said board shall constitute a quorum. Said board shall meet at the state capital, or any other convenient place within the state at any other time at the call of the chairman,

and the chairman is hereby directed to call a meeting thereof whenever requested in writing so to do, by three or more members of said board. [L., 1905, ch. 164, sec. 1.]

**SEC. 5277-1, SUPP., 1913, TO REM. AND BAL. CODE.**

**Terms in act defined.**—In this act, unless the context or subject matter otherwise requires, the word "board" shall be held to mean "state board of forest commissioners"; "forester" shall be held to mean "state forester and fire warden"; "warden" shall be held to mean "fire warden"; "wardens" shall be held to mean "fire wardens"; "ranger" shall be held to mean "forest ranger"; "rangers" shall be held to mean "forest rangers"; "one" shall be held to mean "person, firm or corporation," and "forest material" shall be held to mean "forest slashings, chopping, woodland or brushland." [L., 1911, ch. 125, sec. 1.]

**SEC. 5277-2.**

**Board, duties of: Supervision of State's forest policy and management—Authorizing expenditures for forest protection—Appointment of State Forester—Regulations concerning forest fires—Control and removal of forest officials—Collection of timber land data, including fire damage, illegal cutting, etc.**—The board shall supervise all matters of forest policy and forest management under the jurisdiction of the State, and shall have power to authorize all needful and proper expenditures for forest protection; it shall have full power to appoint a forester; to make rules and regulations for the prevention, control and suppression of forest fires as it deems necessary; to regulate and control the official acts of the forester, his assistants, the wardens, and the rangers, and to remove at will any of these officials. It shall be the duty of the board to collect information regarding the timber lands owned by the state, through investigation made by the forester, his assistants, the wardens and the rangers regarding the condition of the timber lands belonging to the state, the investigation to include any damage caused by forest fires, and any illegal cutting or trespassing upon the state timber lands.

**Acceptance of grants for State forests, after approval of title and report thereon by attorney general of the State.**—The board is hereby authorized, when in its judgment it appears advisable, to accept on behalf of the state, any grant of land within the state, which shall then become a part of the state forest[s]: Provided That no grant shall be accepted until the title has been examined and approved by the attorney general of the state and a report made to the board of the result of such examination. [L., 1911, ch. 125, sec. 2.]

**SEC. 5277-3.**

**State Forester: Appointment of—Salary, amount and how paid.**—The board shall appoint a forester at an annual salary, the amount of which shall be fixed by the board, and payable in equal monthly installments out of the state treasury, in the same manner as the salaries of other state officials are paid.

**Expense accounts of Forester: Approval, allowance, and payment of.**—The forester shall be entitled to all office and other necessary expenses incurred by him under the authority of the board while in the actual performance of his duties. All expenses so incurred shall be submitted in full detail to the board for examination, and if approved and allowed by the board, shall be presented to the state auditor, who shall, if found correct, draw his warrant upon the state treasurer for the amount so allowed, and the state treasurer is hereby authorized to pay said amount due out of any moneys in the state treasury appropriated for this purpose.

**Salary and expense accounts of wardens: Auditing and payment of.**—The board shall audit and inspect all bills of salary and expenses incurred by the wardens for their official accounts, and all other bills properly authorized by the wardens for the prevention, suppression, checking, or control of forest fires. When so audited and inspected, the board shall present a statement thereof for each county, accompanied by the original bills, to the state auditor, who shall audit the same, and if found correct, the state auditor shall draw his warrant on the state treasurer in payment thereof, and the state treasurer is hereby authorized to pay said warrants out of any money in the treasury appropriated for such purposes. [L., 1911, ch. 125, sec. 3.]

**SEC. 5277-4.**

**Assistants, technical and clerical: Appointment—Salaries, amounts and how paid.**—The forester may at his discretion, subject to the approval of the board, appoint trained forest assistants, possessing technical qualifications, and may employ necessary clerical assistants, and fix the amount of their respective salaries, which shall be payable in equal monthly installments to each assistant so appointed or employed.

**Forester: To serve as Secretary of Board, or delegate an assistant—Cooperative forest work.**—He shall act as secretary of the board, or he may delegate that duty to one of his assistants. He shall, acting under the supervision of the board, and whenever he may deem it necessary to the best interests of the state, cooperate in forest surveys, in forest studies, in forest products studies, in forest fire fighting and patrol, and in the preparation of plans for the protection, management, replacement of trees, wood-lots, and timber tracts, with any of the several departments of the governments of other states, and with the government or with the departments of the United States, with the Dominion of Canada, or with any province thereof, and with counties, towns, corporations, and individuals within the state of Washington.

**Supervision of forest work, including forest fire service.**—He shall, subject to the rules and regulations of the board, have direct charge and supervision of all matters pertaining to forestry, including the forest fire service of the state.

**Forest fire service defined.**—The term “forest fire service” as used in this act shall be held to include all wardens, rangers and help especially employed for preventing or fighting forest fires.

**Action re fires in emergencies.**—In times of emergency or unusual danger the forester is empowered to mass the forest fire service of the state where its presence might be required by reason of forest fires, and to take charge of, and direct the work of suppressing such fires.

**Enforcement of forest laws—Investigation of origin of fires—Prosecutions—Printing abstracts of laws and regulations.**—The forester shall enforce all laws for the preservation of the forests within the state, investigate the origin of all forest fires, vigorously prosecute all violators of this act; prepare and print for public distribution an abstract of the forest laws and the forest fire laws of Washington, together with such rules and regulations as may be formulated by the board.

**Publication of forestry information.**—The forester may, with the approval of the board, publish for free distribution, information pertaining to forestry, and to forest products, which he may consider of benefit to the people of the state.

**Annual notice to county clerks of appointment of wardens and rangers.**—It shall be the duty of the forester to annually notify the county clerk in each county where wardens or rangers are appointed, giving the names of such appointees.

**Notices re fires and penalties: Posted by wardens and rangers, where.**—The forester shall furnish notice printed in large letters on cloth, calling attention to the dangers from forest fires, and to the penalties for the violation of this act; such notices to be posted in conspicuous places by the wardens or rangers in all timbered districts along roads and trails, streams and lakes, frequented by tourists, campers, hunters, and fishermen, and in other visited regions.<sup>1</sup>

**Printed forms.**—The forester shall, subject to the approval of the board, prepare all necessary printed forms for use of wardens and rangers, in connection with the granting of applications for permits to burn; for the appointment of wardens and rangers, and any and all forms or blanks required or desirable, and shall supply each warden and ranger with such forms and blanks.

**Mapping and protection of State timbered and cut-over lands—Reports on.**—The forester shall become familiar with the location and the areas of all state timbered and cut-over lands, and shall prepare maps of each of the timbered counties showing the state land therein, and supply such maps to each warden and in all ways that are practical and feasible protect such lands from the dangers of fire, trespass, and the illegal cutting of timber, reporting from time to time direct to the board such information as may be of benefit to the state in the care and protection of its timber.

<sup>1</sup> See sec. 5277-11, on p. 7, for penalty for defacing or removing posted notices.

**Inquiry into: Extent, condition, etc., of timbered lands—Acreage and value of timber harvested, yearly—Timber production and fire data—Second growth timber, and reforestation—Annual report.**—It shall be the duty of the forester to institute inquiry into the extent, kind, value and condition of all timber lands within the state; the amount of acres, and the value of the timber that is cut and removed each year, to determine what state lands are chiefly valuable for growing timber; the extent to which timber lands are being destroyed by fire; and also to examine into the production, quality and quantity of second-growth timber, with a view to ascertaining conditions for reforestation, and not later than the first day of December of each year, make a written report to the board upon all such tracts so examined by him, together with detailed information as to the work of the forest fire service of the state. [L., 1911, ch. 125, sec. 4.]

SEC. 5277-19.

**Arrests without warrant.**—The forester, his assistants, wardens, rangers, and all police officers are hereby empowered to make arrests without warrant of persons violating this act. [L., 1911, ch. 125, sec. 19.]

SEC. 5277-20.

**Prosecutions: Duty of prosecuting attorney—Penalty for failure to prosecute; applicable also to magistrates.**—Whenever an arrest shall have been made for a violation of any of the provisions of this act or whenever information of such violation shall have been lodged with him, the prosecuting attorney of the county in which the criminal act was committed, shall prosecute the offender or offenders, with all diligence and energy. If any prosecuting attorney shall fail to comply with the provisions of this section, he shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), and by imprisonment of not less than thirty (30) days, nor more than one year in the county jail. The penalties of this section shall apply to any magistrate, with proper authority, who refuses or neglects to cause the arrest and prosecution of any person or persons when complaint under oath of violation of any provisions of this act has been lodged with him. [L., 1911, ch. 125, sec. 20.]

SEC. 5277-21.

**Fines: Disposition of.**—All fines collected under this act shall be paid into the county treasury of the county in which the offense was committed. [L., 1911, ch. 125, sec. 21.]

## PART II. FIRES.

(This part comprises the general provisions of law, if any, concerning protection from forest fires. For localized provisions, if any, concerning protection of State-owned lands, see Part III.)

### (1) PROTECTIVE SYSTEM.

(This subdivision comprises the provisions of law, if any, defining the personnel and the administrative duties

of the State organization charged with the prevention, detection, control, and extinguishment of forest fires. For specific provisions, if any, concerning similar duties in connection with railroad fires, slash disposal, and fallow and other fires, see subdivisions (2), (3), and (4), respectively.)

**SEC. 5277-2, SUPP., 1913, TO REM. AND BAL. CODE.**

**Regulations by board for prevention, control, and suppression of fires.**—(For text of provision, see this section on p. 2.)

**SEC. 5277-4.**

**State forester, fire duties of, in general: Cooperative fire work—Supervision of forestry matters, including forest fire service—Forest fire service defined—Action in emergencies—Enforcement of laws—Origin of fires, investigation of—Prosecutions—Abstract of fire and other laws, and regulations—Notice of appointment of wardens and rangers—Posting fire notices—Protection of State timbered and cut-over lands—Reports on fire work.**—(For text of these provisions, see this section on pp. 2-3.)

**SEC. 5277-5.**

**Wardens: Appointment of, during fire danger season.**—The forester shall, subject to the approval of the board, have power to appoint within any county in this state where there is timber requiring protection, one or more wardens for all or any portion of the period during which the forester deems that forest fire dangers exist.

**Employment of, for examination of deforested lands—Discovery and destruction of inflammable material—Prevention of timber trespass on State lands, and enforcement of laws.**—The forester may, subject to the approval of the board, and at such times and in such localities as he deems the public welfare demands, employ one or more wardens whose duty it shall be to examine deforested lands of the state, and ascertain if such lands are chiefly valuable for agriculture, or if they are chiefly valuable for timber growing, with a view to reforestation. The said wardens shall, under the direction of the forester, engage in the discovery of inflammable material, and cause, or assist in, the burning of such material at such times as the burning can be done without endangering adjacent timber, or other property. The said wardens, under the direction of the forester, shall prevent and detect trespass and illegal cutting upon state timber lands, and shall enforce the laws in respect to such trespass and illegal cutting.

**Wardens and rangers: Suspension and discharge of—Appointment of successors.**—The forester shall have power to temporarily suspend any warden or ranger who may be incompetent or unwilling to discharge properly the duties of his office, and to appoint his successor temporarily, until his action shall be passed upon by the board.

**Compensation and expenses of wardens.**—Each warden shall receive compensation not to exceed four

dollars (\$4.00) per day, and also necessary and proper expenses for the time actually employed.

**Headquarters and office.**—The wardens shall make their headquarters at the county seat of the county which they represent, and be equipped with suitable office quarters in the county courthouse by the county commissioners.

**Appointment of wardens upon request of county commissioners.**—The board of county commissioners of any county in which there has been no warden appointed, may request the forester to appoint a warden, and the forester may, if in his judgment the necessity exists, appoint, subject to the approval of the board, one or more wardens for each county.

**Jurisdiction of wardens.**—The authority of the wardens respecting the prevention, suppression and control of forest fires, summoning, impressing or employing help, or making arrests for the violation of this act, may extend to any adjacent county, or to any part of the state in times of great fire danger.

**Salaries and expenses of wardens: Borne proportionately by State and counties.**—The salaries and necessary expenses of all wardens, together with all expenses incurred for help and assistance in forest fire protection, shall be borne in the proportion of two-thirds by the state and one-third by the county in which the service was given and the expense incurred for forest fire protection.

**Wardens' accounts and other fire bills: Settlement of, by State—Counties responsible to State for one-third of outlay.**—All accounts of the wardens shall be submitted to the forester, as well as all bills for forest fire protection authorized by the wardens, and when such bills are approved and paid as provided for in section 5277-3,<sup>1</sup> the amount of one-third of all such outlays in each county shall be due and payable on demand from each of said counties into the state treasury, and credited to the fund appropriated by this act.

**Reports by wardens and rangers.**—All wardens and rangers shall render reports to the forester on such blanks or forms, or in such manner, and at such times as may be ordered, giving a summary of how employed, the area of country visited, expenses incurred, and such other information as may be called for by the forester. [L., 1911, ch. 125, sec. 5.]

**SEC. 5277-6.**

**Wardens: Duties of, under direction of forester.**—Each warden shall be at all times under the direction and control of the forester, and shall perform such other duties at such times and places as he may direct.

**Posting notices of closed season and copies of laws and regulations.**—It shall be the duty of wardens to post over the forest areas notices of warning giving the date of the closed season as provided for in section 5277-8,<sup>2</sup>

<sup>1</sup> See p. 2.

<sup>2</sup> See p. 6.

and copies of all such laws and rules as they may be directed to post by the forester.<sup>1</sup>

**Investigation and report on fires—Patrol—Warning campers and other users of fire—Examination of locomotives as to spark-arresters and other devices—Extinguishing fires—Impressing help—Enforcement of laws—Prosecuting offenders.**—They shall investigate all fires and report all of a serious or threatening character to the forester immediately. They shall patrol their districts; visit all parts of roads and trails, and frequented places and camps as far as possible, warn campers or other users of fire, see that all locomotives are provided with spark-arresters, and with adequate devices for preventing the escape of fire or live coals from ash-pans and fire-boxes, in accordance with the law;<sup>2</sup> extinguish small or smouldering fires; summon, impress or employ help to stop conflagrations; see that all laws for the protection of forests are enforced, and arrest and cause to be prosecuted all offenders. [L., 1911, ch. 125, sec. 6.]

SEC. 5277-7.

**Ex-officio rangers: When certain officials constitute.**—All state land cruisers, all game wardens, when approved by the forester, and all rangers and assistant rangers of the United States forest service, when recommended by their forest supervisors, and commissioned by the forester, shall be ex-officio rangers.

**Timber cruisers and others: May be appointed rangers, when.**—Timber cruisers and citizens of the state advantageously located may, at the discretion of the forester, be appointed rangers, and vested with their duties and powers.

**Compensation of rangers.**—Rangers shall receive no compensation for their services except when employed in co-operation with the state under the provisions of this act, and shall not create any indebtedness, or incur any liability on behalf of the state: Provided, That rangers actually engaged in extinguishing, or preventing the spread of fire in brush, slashings, choppings, timber or elsewhere that may endanger timber or other property, shall when their accounts for such services have been approved by the fire wardens in authority, be entitled to receive compensation for such services at the rate of twenty-five cents (25c) per hour. [L., 1911, ch. 125, sec. 7.]

## (2) RAILROAD FIRES.

(This subdivision comprises the provisions of law, if any, defining the responsibility of railroad and logging companies, the precautions to be taken by them, and their liability for damages occasioned in the operation and maintenance of their trains and rights of way; also provisions concerning the use of spark arresters and other safeguards on traction, thrashing, other portable and saw-mill engines, and boilers.)

<sup>1</sup> See sec. 5277-11, on p. 7, for penalties for defacing or destroying posted notices.

<sup>2</sup> See also sec. 5277-15, on pp. 5-6, concerning reports to be made by wardens and rangers on lack of sufficient spark arresters, etc.

SEC. 5277-14, SUPP., 1913, TO REM. AND BAL. CODE.

**Spark arresters, when required.**—It shall be unlawful for anyone to operate any spark-emitting railroad locomotive, logging locomotive, logging, or farming engine, or boiler, at any time during the closed season,<sup>1</sup> or for anyone to operate any railroad locomotive, logging locomotive, or logging or farm engine or boiler, within one-quarter of one mile of any forest material during the closed season, without such railroad locomotive, logging locomotive, logging, or other engine or boiler is provided with and uses a safe and suitable device for arresting sparks.<sup>2</sup>

**Protective devices on ash-pans and fire-boxes, when required.**—It shall be unlawful for anyone to operate during the closed season any railroad locomotive, logging locomotive, or logging, or other engine or boiler, within one-quarter of one mile of any forest material, without such railroad locomotive, logging locomotive, or logging or other engine or boiler is provided with and uses an adequate device to prevent the escape of fire or live coals from all ash-pans, and all fire-boxes, except when said ash-pans and said fire-boxes are being cleaned when not in motion.

**Penalties.**—Everyone failing to comply with the provisions of this section, shall upon conviction pay a fine for each railroad locomotive, logging locomotive, or other engine or boiler, for each day so operated without such spark arresting or without such adequate device to prevent the escape of fire or live coals from said ash-pans or said fire-boxes, of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00) per day for each railroad locomotive, logging locomotive, or other engine or boiler so used, and shall be prohibited from further use of such railroad locomotive, logging locomotive, or other engine or boiler until such spark-arrester or such adequate device for preventing the escape of fire or live coals from said ash-pans and said fire-boxes, is provided and used therewith.<sup>3</sup> [L., 1911, ch. 125, sec. 14.]

SEC. 5277-15.

**Fire and live coals not to be deposited on rights of way, when.**—No one operating a railroad shall permit to be deposited by his, or its, employees, and no one shall deposit during the closed season, fire or live coals upon the right of way outside of the yard limits, and within one-quarter of one mile of any forest material, without such deposit of fire or live coals shall be immediately extinguished.

**Penalties.**—Anyone violating the provisions of this section respecting the deposit of fire or live coals, shall upon conviction pay a fine of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00)

<sup>1</sup> For closed season, see sec. 5277-8, on p. 6.

<sup>2</sup> See also sec. 5277-13, on p. 8, for requirements concerning spark arresters on wood-waste destructors, and power plants.

<sup>3</sup> See secs. 5277-19, 5277-20, 5277-21, on p. 3, for provisions concerning arrests, prosecutions, and disposition of fines.

or be imprisoned in the county jail not exceeding thirty (30) days.<sup>1</sup>

**Wardens and rangers to report, for prosecution, lack of spark arresters, or of devices to prevent the escape of fire or live coals.**—Wardens and rangers shall report any lack of sufficient spark-arresters, and any lack of adequate devices for preventing the escape of fire and live coals, as provided in this act,<sup>2</sup> to the forester, and to the prosecuting attorney of their county, and the superior court of that county where suit is first instituted, shall have jurisdiction of the offense. [L., 1911, ch. 125, sec. 15.]

#### SEC. 5277-17.

**Stationary engine, operated during closed season: Watchman required—Area around engine to be cleared.**—Everyone operating a stationary engine, for the logging of timber, or the clearing of land of tree stumps, or other wood material, shall during the closed season:

(a) Maintain a watchman at the point where the said donkey engine, or other portable or stationary engine may be located, said watchman to be on duty for at least two hours following every time when the said donkey engine, or other portable stationary engine shall cease operations.

(b) Cut down all snags, stubs and dead trees over twenty-five feet in height within a radius of fifty (50) feet from each donkey engine, or other portable or stationary engine. [L., 1911, ch. 125, sec. 17.]

#### SEC. 5277-18.

**Logging locomotive: Fire patrol to follow—Time of starting.**—Everyone operating a logging locomotive during the closed season, shall: Have a man whose duty it shall be to follow each logging locomotive, except a locomotive using oil for fuel, for the purpose of acting as fire patrol, the said man to begin the said patrol at approximately thirty (30) minutes after the starting of the logging locomotive which it is his duty to follow.

**Penalties for violation of provisions in Secs. 5277-16, 5277-17, 5277-18.**—Anyone who shall violate any of the provisions contained in section 5277-16,<sup>3</sup> 5277-17, or 5277-18, shall be punished by a fine not to exceed one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than thirty (30) days.<sup>4</sup> [L., 1911, ch. 125, sec. 18.]

#### (3) SLASH DISPOSAL.

(This subdivision comprises the provisions of law, if any, for slash disposal after lumbering and other cutting operations.)

#### SEC. 5277-5, SUPP., 1913, TO REM. AND BAL. CODE.

**Inflammable material: Discovery and destruction of, by wardens.**—(For text of provisions, see this section on p. 4.)

<sup>1</sup> See secs. 5277-19, 5277-20, 5277-21, on p. 3, for provisions concerning arrests, prosecutions, and disposition of fines.

<sup>2</sup> See sec. 5277-14, on p. 5, and sec. 5277-6, on pp. 4-5.

<sup>3</sup> See p. 7.

<sup>4</sup> See secs. 5277-19, 5277-20, 5277-21, on p. 3, for provisions concerning arrests, prosecutions, and disposition of fines.

#### SEC. 5277-8.

**Slash disposal: Closed season—Permit required—Penalties—Regulations, compliance with.**—No one shall burn any forest material within any county in this state in which there is a warden or ranger during the months of June to September, inclusive, in each year, which period is hereby designated as the closed season, without first obtaining permission in writing from the forester for a warden,<sup>1</sup> or a ranger, and afterwards complying with the terms of said permit; and anyone violating any provisions contained in the preceding portions of this section shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), or be imprisoned in the county jail not exceeding thirty (30) days.<sup>2</sup> Such permission for burning shall be given only upon compliance with such rules and regulations as the board [shall] prescribe, which shall be only such as the board deems necessary for the protection of life or property.

**Permits: Refused, revoked, or postponed.**—The forester, any of his assistants, any warden or ranger, may at his discretion, refuse, revoke or postpone the use of permits to burn when such act is clearly necessary for the safety of adjacent property. [L., 1911, ch. 125, sec. 8.]

#### SEC. 5277-9.

**Slash disposal: Preparation of area for burning.**—No one shall burn any forest material until all dry snags, stubs and dead trees over twenty-five (25) feet in height, within the area to be burned, shall have been cut down, and until such other work shall have been done in and around the slashing or chopping, to prevent the spread of fire therefrom, as shall be required to be done by the forester, or any warden or ranger.

**Official watchman in charge.**—When any person shall have obtained permission from the forester, or warden or ranger, to burn any slashings made for the purpose of clearing land, the warden may, at his discretion, furnish him with a man to supervise and control the burning, who shall represent and act for such warden, and shall have all the power and authority of a warden while engaged in such service, including the right to revoke such permit, if in his opinion the burning authorized would endanger any valuable timber or other property. Such man shall serve only until such time as the party burning may be able to keep the fire under control himself.

**Employment of assistants in fire-fighting—Tools—Transportation.**—The forester and wardens are hereby authorized and empowered to employ a sufficient number of men to extinguish or prevent the spreading of any fires that may be in danger of destroying any valuable timber or other property in this state. The forester, or any warden by special authority of the forester, may provide needed tools and supplies, and transportation when necessary for men so employed.

<sup>1</sup> The words "or a warden" are contained in the official copy of the Session Laws of 1911.

<sup>2</sup> See secs. 5277-19, 5277-20, 5277-21, on p. 3, for provisions concerning arrests, prosecutions, and disposition of fines.

**Compensation of assistants and watchman.**—Every man so employed, and also the representative of the warden supervising the burning, shall be entitled to compensation of twenty-five cents per hour for each hour's actual service; and the warden shall issue a certificate to each man so employed showing the number of hours worked by him and the amounts due to him, upon which, after approval by the forester, the man shall be entitled to receive payment from the state in the manner provided for in section 5277-3.<sup>1</sup>

**Penalty for refusing to assist.**—Any person refusing to render assistance when called upon by any warden, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).<sup>2</sup> [L., 1911, ch. 125, sec. 9.]

SEC. 5277-10.

**Permits: Suspension by governor in times and localities of unusual fire danger.**—(For text of provision, see this section, on this page.)

SEC. 5277-12.

**Nuisance: Inadequately protected forest land, and inflammable material, when declared to be—Action by forester.**—Any and all inadequately protected forests, or deforested land covered wholly or in part by any inflammable debris, or otherwise likely to further the spread of fire, which by reason of such location or condition, or lack of protection, endangers life or property, when adjoining, lying near, or intermingling with other forest land, is hereby declared to be a public nuisance, and whenever the forester shall learn thereof, he shall notify the owner, or person in control or possession of said land, advise him of means and methods that should be taken for its protection, and request him to take the proper steps to that end. [L., 1911, ch. 125, sec. 12.]

SEC. 5277-16.

**Slash disposal in clearing right of way: Requirements—Permit to be obtained.**—Everyone clearing right of way for railroad, wagon road, or other road, shall pile and burn on such right of way all refuse timber, slashings, choppings and brush cut thereon, as rapidly as the clearing or cutting progresses, and the weather conditions permit, or at such other times as the forester, or any of his assistants, or any warden may direct, and before doing so, shall obtain a permit.<sup>3</sup>

**Burning not to be required, when.**—During the closed season such burning shall not be required to be done, while the forester, any of his assistants, or any warden in authority shall refuse to issue a permit for such burning.

**Clearing lands, and logging timber: Restrictions to protect green timber.**—No one slashing brush or timber for the purpose of clearing land, or cutting or leg-

ging timber, shall fell, or permit to be felled, trees, in such a manner that the tops or branches shall fall into green timber not owned by the one felling or permitting the felling of such trees, without first obtaining permission of the owner of said green timber. [L., 1911, ch. 125, sec. 16.]

#### (4) FALLOW AND OTHER FIRES.

(This subdivision comprises the provisions of law, if any, concerning the burning of fallow, brush, etc., by farmers, and the general setting of fires to woods by hunters, fishermen, and others.)

SEC. 5277-10, SUPP., 1913, TO REM. AND BAL. CODE.

**Permits: Suspension by governor in times and localities of unusual fire danger.**—In times and localities of unusual fire danger, the governor, with the advice of the forester, may suspend any or all permits or privileges authorized by section 5277-8,<sup>1</sup> and may prohibit absolutely the use of fire therein mentioned.

**Open season for hunting: Suspended by governor, when.**—Whenever during an open season for the hunting of any kind of game within this state, it shall appear to the governor that by reason of extreme drought, the use of fire arms or fire by hunters is liable to cause forest fires, he may by proclamation suspend the open season and make it a closed season for the shooting of wild birds or animals of any kind, for such time as he may designate, and during the time so designated all provisions of law relating to closed seasons for game shall be enforced. [L., 1911, ch. 125, sec. 10.]

SEC. 5277-11.

#### Posted notices, defacing or removing: Penalties.

Any person who shall willfully or needlessly deface, or remove any warning placard or notice posted under the requirements of this act,<sup>2</sup> shall be guilty of a misdemeanor, and shall upon conviction be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense, or by imprisonment in the county jail not exceeding thirty (30) days.

**Penalties for causing fires.**—Any person who shall upon any land within this state, set and leave any fire that shall spread or damage or destroy property of any kind not his own, shall upon conviction, be punished by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00). If such fire be set or left maliciously, whether on his own or on another's land, with intent to destroy property not his own, he shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or imprisonment in the county jail for not less than one month, nor more than one year, or by both such fine and imprisonment, and shall be liable for all damages in a civil suit.<sup>3</sup>

**During closed season, leaving fires unquenched—Causing fires by dropping lighted cigars, matches,**

<sup>1</sup> See p. 2.

<sup>2</sup> See secs. 5277-19, 5277-20, 5277-21, on p. 3, for provisions concerning arrests, prosecutions, and disposition of fines.

<sup>3</sup> For penalties, see sec. 5277-18 on p. 6.

<sup>1</sup> See p. 6.

<sup>2</sup> See sec. 5277-4 on pp. 2-3 and see. 5277-6 on pp. 4-5.

<sup>3</sup> See secs. 5277-19, 5277-20, 5277-21, on p. 3, for provisions concerning arrests, prosecutions, and disposition of fines.

**or use of firearms, etc.**—During the closed season,<sup>1</sup> any person who shall kindle a fire on land not his own, in or dangerously near any forest material and leave same unquenched, or who shall be a party thereto, or who shall by throwing away any lighted cigar, matches, or by use of firearms, or in any other manner, start a fire in forest material not his own, and leave same unquenched, shall upon conviction be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or be imprisoned in the county jail not exceeding two (2) months. [L., 1911, ch. 125, sec. 11.]

SEC. 5277-13.

**Mill wood-waste, burning in the open: Precautions required.**—It shall be unlawful for anyone manufacturing lumber or shingles, or other forest products, to destroy wood-waste material by burning the same at or near any mill situated within one-quarter of one mile of any forest material, without properly confining the place of said burning and without further safeguarding the surrounding property against danger from said burning by such additional devices as the forester may require.

**Mill wood-waste, destroying in burner or destructor: Spark arrester required.**—Power plant having spark-emitting outlet: Spark arrester required.—It shall be unlawful for anyone to destroy any wood-waste material by fire within any burner or destructor operated at or near any mill, and situated within one-quarter of one mile of any forest material, or to operate any power-producing plant using in connection therewith any smokestack, chimney, or other spark-emitting outlet, without installing and maintaining on such burner, or destructor, or on such smokestack, chimney or other spark-emitting outlet, a safe and suitable device for arresting sparks.

**Penalties.**—Anyone violating the provisions of this section shall upon conviction thereof, be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each and every violation, or by imprisonment of not less than thirty (30) days in the county jail. [L., 1911, ch. 125, sec. 13.]

### PART III.—PUBLIC FORESTS.

(This part comprises the provisions of law, if any, for the establishment and care of State and municipal forests and nurseries, and for the practice of forestry on these and on other lands owned by the State.)

#### (1) STATE FORESTS.

(For other provisions, if any, concerning State forests and nurseries, see Part I.)

SEC. 6667, REM. AND BAL. CODE, 1910, AMENDED BY L., 1915, CH. 147, SEC. 2.

**Cut-over State lands, when reserved from disposal and certified to forester: Protection and reforestation thereof.**—\* \* \* When the merchantable timber has been sold and actually removed from any land, the board

of state land commissioners<sup>1</sup> may classify the land and such portions thereof as may be found most suitable for reforestation may, by order of the board, be reserved from any future sale and when once so reserved shall not thereafter be subject to sale or other disposition. The commissioner of public lands shall certify to the state fire warden and forester all such reserves so made and thereupon it shall be the duty of the state fire warden and forester to protect such land and the remaining timber from fire and to reforest the same: \* \* \*

SEC. 5277-2, SUPP., 1913, TO REM. AND BAL. CODE.

**Grants for State forests: Board may accept—Title to lands, examination of, and report upon.**—(For text of provisions, see this section, on p. 2.)

#### (2) OTHER STATE LANDS.

(Laws which provide merely for the protection of State lands other than State forests from fire and from timber and other forms of trespass, and for the sale of timber and other forest products therefrom, are not included because their intent is not one of forestry.)

SEC. 5277-2, SUPP., 1913, TO REM. AND BAL. CODE.

**State Board of Forest Commissioners: To collect information concerning condition of State timber lands, through forest officers.**—(For text of these provisions, see this section, on p. 2.)

SEC. 5277-4.

**State forester, duties concerning timber on State lands: Enforcement of laws for preservation of the forests within the State—Mapping and protection of timbered and cut-over lands, and reporting thereon to Board—Inquiry into extent, kind, value, and condition of all timbered lands within the State; acreage and value of timber harvested yearly; timber production and fire data; and facts concerning second-growth timber and reforestation—Annual report upon investigations, and work of the forest fire service.**—(For text of these provisions, see this section, on pp. 2-3.)

SEC. 5277-5.

**Fire wardens, timber duties of: Employment where fire dangers exist, and for examination of deforested lands—Discovery and destruction of inflammable material—Prevention of trespass, etc.**—(For text of provisions, see this section, on p. 4.)

#### (3) MUNICIPAL FORESTS.

### PART IV.—TAXATION.

(This part comprises the provisions of law, if any, covering the classification and taxation of forested lands and lands to be forested, the purpose of which is to encourage the practice of forestry by private owners; also such bounty and exemption laws as have a like purpose. For similar taxation provisions, if any, concerning State or municipal forests, or other State lands, see Part III.)

<sup>1</sup> The board of State land commissioners is composed of the commissioner of public lands, the secretary of state, and the State treasurer. (Sec. 6605, Rem. and Bal. Code, 1910, as amended by L., 1915, ch. 6, sec. 1. See volume of session laws.)

<sup>1</sup> See sec. 5277-8, on p. 6.